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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ALONZO DEON JOHNSON,) No. Civ. S 03-2063 JAM JFM P
12 Petitioner,)
13 v.) **STIPULATION REGARDING NINTH
14 CLAUDE E. FINN, Warden,) CIRCUIT REMAND; ORDER**
15 Respondent.)
16 _____)
17 DARRYL THOMPSON,) No. Civ. S 04-2208 JAM JFM P
18 Petitioner,)
19 v.) **STIPULATION REGARDING NINTH
20 TOM L. CAREY, Warden,) CIRCUIT REMAND; ORDER**
21 Respondent.)
22 _____)

23 Petitioners, ALONZO DEON JOHNSON and DARRYL THOMPSON, by and
24 through their counsel, Assistant Federal Defender David M. Porter, and
25 Respondents, CLAUDE E. FINN and TOM L. CAREY, by and through their
counsel, Deputy Attorney General R. Todd Marshall, hereby agree and
27 stipulate as follows:

28 (1) WHEREAS the Ninth Circuit Court of Appeals vacated this

1 Court's order of March 23, 2010 denying the petitions for writ of
2 habeas corpus, *Johnson v. Finn*, 665 F.3d 1063, 1076 (9th Cir. 2011);
3 and,

4 (2) Respondents filed a notice of decision not to file a petition
5 for writ of certiorari and the Ninth Circuit's mandate was spread upon
6 this Court's docket on July 27, 2012;

7 (3) IT IS HEREBY STIPULATED that the Court should enter the order
8 lodged herewith granting the petitions for writ of habeas corpus.

9 Dated: August ___, 2012

10 Respectfully submitted,

11 EDMUND G. BROWN, Jr.
Attorney General

DANIEL J. BRODERICK
Federal Defender

13 /s/
14 R. TODD MARSHALL
Deputy Attorney General

15 Attorney for Respondents
16 CLAUDE E. FINN and
TOM L. CAREY

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

Attorney for Petitioners
ALONZO DION JOHNSON and
DARRYL THOMPSON

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Attorney for Petitioners
ALONZO DEON JOHNSON and DARRYL THOMPSON

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALONZO DEON JOHNSON,) No. Civ. S 03-2063 JAM JFM P
Petitioner,)
v.) **ORDER**
CLAUDE E. FINN, Warden,)
Respondent.)

DARRYL THOMPSON,) No. Civ. S 04-2208 JAM JFM P
Petitioner,)
v.) **ORDER**
TOM L. CAREY, Warden,)
Respondent.)

ORDER

Pursuant to the decision of the Ninth Circuit Court of Appeals,
Johnson v. Finn, 665 F.3d 1063 (2011), the stipulated request of the
parties, and good cause appearing therefor, the Court:

(1) **VACATES** the order denying the petitions for writ of habeas corpus filed March 23, 2009, and the judgment entered the same day;

1 (2) **ADOPTS** in full the magistrate judge's findings and
2 recommendations filed August 19, 2009;

3 (3) **GRANTS** the petitions for a writ of habeas corpus based on
4 petitioners' claims under *Batson v. Kentucky*, 476 U.S. 79 (1986), with
5 respect to prospective juror Mr. Jones; and,

6 (4) **DIRECTS** the State to vacate petitioners' convictions and
7 respondents to release petitioners from custody unless proceedings in
8 the state court leading to retrial are commenced within sixty days
9 from the date of this order.

10 DATED: August 31, 2012

11 /s/ John A. Mendez

12 Honorable JOHN A. MENDEZ
United States District Court Judge